

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

AG Corporation t/a
Fairmont Liquor and Grocery Show Cause
2633 Sherman Ave., NW Hearing
Retailer A - ANC-1B (Status)
License No. 80900
Case #14-CC-00086

(Sale to Minor Violation)

November 12, 2014

The Alcoholic Beverage Control
Board met in the Alcoholic Beverage Control
Hearing Room, Reeves Building, 2000 14th
Street, N.W., Suite 400S, Washington, D.C.
20009, Chairperson Ruthanne Miller,
presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

ALSO PRESENT:

CHRISSY GEPHARDT, OAG

1 P-R-O-C-E-E-D-I-N-G-S

2 (9:43 a.m.)

3 CHAIRPERSON MILLER: The next case
4 is Case No. 14-CC-00086, Fairmont Liquor and
5 Grocery located at 2633 Sherman Avenue, N.W.,
6 License No. 80900, in ANC-1B.

7 MS. GEPHARDT: Chrissy Gephardt on
8 behalf of the Office of the Attorney General.

9 CHAIRPERSON MILLER: Okay. Is
10 anybody here from Fairmont Liquor and Grocery?

11 Do you have any information about
12 their attending?

13 MS. GEPHARDT: I do not. I do not
14 have any information.

15 CHAIRPERSON MILLER: Okay. So at
16 this point then, I'm just going to set the
17 case for a Show Cause Hearing and that will be
18 January 17, 2015 at 10:00 a.m.

19 (Whereupon, the above-entitled
20 matter went off the record at 9:44 a.m. and
21 resumed at 9:53 a.m.)

22 CHAIRPERSON MILLER: Okay. So our

1 next hearing is at 10:00 a.m. and it's 9:53
2 and I don't see the individuals in the hearing
3 room, so we will adjourn and come back.

4 MEMBER ALBERTI: What about
5 Fairmont?

6 CHAIRPERSON MILLER: Fairmont is
7 no show. Who is the attorney on that? Oh,
8 Ms. Gephardt, okay.

9 Ms. Gephardt, would you let me
10 know if there is a reason to recall it?

11 MS. GEPHARDT: Okay. We're ready.

12 CHAIRPERSON MILLER: Okay. I'm
13 going to recall Fairmont Liquor and Grocery.
14 A representative of Fairmont Liquor and
15 Grocery has appeared in the hearing room.
16 That's Case No. 14-CC-00086.

17 Would you introduce yourself for
18 the record, please?

19 MR. GIZACHEW: My name is Abel
20 Gizachew, license holder of Fairmont Liquor
21 and Grocery.

22 CHAIRPERSON MILLER: Okay. For

1 the Government?

2 MS. GEPHARDT: Chrissy Gephardt on
3 behalf of the District of Columbia.

4 CHAIRPERSON MILLER: And, sir, did
5 you receive notice of this hearing?

6 MR. GIZACHEW: Yes.

7 CHAIRPERSON MILLER: Did you read
8 it and understand it?

9 MR. GIZACHEW: Yes.

10 CHAIRPERSON MILLER: Okay. So
11 there is no notice issue in this case for the
12 hearing.

13 Ms. Gephardt, are there some
14 preliminary matters?

15 MS. GEPHARDT: Yes. The parties
16 have reached an Offer in Compromise in this
17 case. And the Offer in Compromise is as
18 follows: For Charge 1, which is the only
19 charge in this case, which is permitting the
20 sale of alcoholic beverage to a person under
21 21, is a \$2,500 fine and a five day suspension
22 with two days stayed for one year and three

1 days served. And the fine must be paid within
2 30 days or the license will be suspended.

3 CHAIRPERSON MILLER: Okay. Sir, I
4 want to ask you, do you agree to this Offer in
5 Compromise of a fine of \$2,500 to be paid
6 within 30 days and if it's not paid within 30
7 days, your license will be suspended? Plus
8 your license will be suspended for five days,
9 two of those days will be stayed though and
10 three will be served.

11 MR. GIZACHEW: Yes.

12 CHAIRPERSON MILLER: Okay. So you
13 do. And you understand that this waives your
14 right to a hearing and to an appeal?

15 MR. GIZACHEW: Yes, I understand.

16 CHAIRPERSON MILLER: Okay. All
17 right.

18 MS. GEPHARDT: And the parties
19 have not yet decided on the days of which they
20 would serve the three days. So I mean, it
21 would be at the discretion of the Board as to
22 which three days you would like.

1 CHAIRPERSON MILLER: Unless you
2 need another minute to identify those days.

3 MS. GEPHARDT: Okay. Fine. Okay.
4 All right. The days served would be January
5 5th, 6th and 7th of 2015.

6 CHAIRPERSON MILLER: Do you know
7 what days of the week that is?

8 MS. GEPHARDT: I'm sorry?

9 COURT REPORTER: Ms. Miller, you
10 need to turn your mike on.

11 CHAIRPERSON MILLER: You're right.
12 Sorry. Do you know what days of the week that
13 is?

14 MS. GEPHARDT: That's a Monday,
15 Tuesday and a Wednesday.

16 CHAIRPERSON MILLER: Okay. Any
17 questions by Board Members? Okay. We have an
18 Offer in Compromise then of a \$2,500 fine to
19 be paid within 30 days. If it's not paid, the
20 license will be suspended. Plus the license
21 will be suspended for five days with two days
22 stayed and three days served and those days

1 that the license will be served will by
2 January 5th, 6th and 7th of 2015. I move that
3 we approve the Offer in Compromise. Do I have
4 a second?

5 MEMBER RODRIGUEZ: Second.

6 CHAIRPERSON MILLER: Okay. Mr.
7 Rodriguez has seconded the motion.

8 All those in favor say aye.

9 MEMBER ALBERTI: Can I speak to it
10 first?

11 CHAIRPERSON MILLER: Yes, yes.

12 MEMBER ALBERTI: I will not be
13 supporting this Offer in Compromise.

14 CHAIRPERSON MILLER: Okay.

15 MEMBER ALBERTI: A Monday, Tuesday
16 and Wednesday does not seem sufficient here.
17 I believe the -- I believe it was on a weekend
18 that the infraction occurred. Based on this
19 and past reports, it appears that weekend
20 business is when we have these problems for
21 this establishment.

22 And so I'm troubled.

1 CHAIRPERSON MILLER: Yes.

2 MEMBER ALBERTI: And cannot
3 support an Offer in Compromise that does not
4 have suspension days served at the end of the
5 week and on the weekend.

6 CHAIRPERSON MILLER: Okay. That's
7 a very valid point. I mean, I have some
8 concerns with respect to that.

9 MEMBER SHORT: I would also like
10 to express my concern with that same issue,
11 Madam Chair.

12 CHAIRPERSON MILLER: Yes.

13 MEMBER ALBERTI: Do you want to
14 talk or just vote?

15 CHAIRPERSON MILLER: Do you want
16 to recess?

17 MEMBER ALBERTI: It's up to you.
18 You know my vote.

19 CHAIRPERSON MILLER: Okay.

20 MEMBER ALBERTI: I would like to--

21 CHAIRPERSON MILLER: Wait.

22 MS. GEPHARDT: I don't know if

1 it's possible to revise the Offer in
2 Compromise?

3 CHAIRPERSON MILLER: Okay. I'm
4 going to withdraw my motion then, at this
5 point.

6 MEMBER ALBERTI: I withdraw my
7 second.

8 CHAIRPERSON MILLER: Okay. Given
9 that some concerns were raised and so Ms.
10 Gephardt, since there isn't a vote yet on the
11 Offer in Compromise, did you want to revise
12 it?

13 MS. GEPHARDT: Yes. I would like
14 to revise it. In speaking with the licensee,
15 he has agreed to a suspension on the days of
16 January 8th, 9th and 10th, which is a Thursday,
17 Friday, Saturday.

18 CHAIRPERSON MILLER: Okay. Do you
19 agree to that, sir?

20 MR. GIZACHEW: Yes.

21 CHAIRPERSON MILLER: Okay. All
22 right. Then I'm going to move that we accept

1 this revised Offer in Compromise of a fine for
2 \$2,500 to be paid within 30 days. If not
3 paid, the license will be suspended. Plus the
4 license will be suspended for five days, two
5 days stayed and three days served on January
6 8th, 9th and 10th of 2015. Do I have a second?

7 MEMBER SILVERSTEIN: Second.

8 CHAIRPERSON MILLER: Okay. Mr.
9 Silverstein seconded the motion. Any other
10 comments? Okay.

11 All those in favor then of the
12 motion say aye.

13 ALL: Aye.

14 CHAIRPERSON MILLER: All those
15 opposed? All those abstaining? The motion
16 passes 6-0-0. All right. Okay. Okay. Thank
17 you very much.

18 MS. GEPHARDT: Thank you.

19 (Whereupon, the Show Cause
20 (Status) Hearing in the above-entitled matter
21 was concluded at 10:01 a.m.)
22

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